

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

HILDA L. SOLIS, Secretary of Labor,
United States Department of Labor,

Plaintiff,

V.

WOK KING INTERNATIONAL
BUFFET, Inc., a corporation; NEW
WOK KING INTERNATIONAL
BUFFET, Inc., a corporation; GUANG
RI WENG, individually; and ZHEN
FANG WENG, individually,

Defendants.

Case No. CV 09-5066-RMP

JUDGMENT AND PERMANENT INJUNCTION

Plaintiff United States Secretary of Labor filed her action against Defendants Wok King International Buffet, Inc. (“Wok King”), New Wok King International Buffet, Inc. (“New Wok King”), Guang Ri Weng and Zhen Fang Weng on July 31, 2009, alleging that Defendants had violated the minimum wage, overtime and record keeping provisions of the Fair Labor Standards Act of 1938, as amended. 29

1 U.S.C. §201, *et. seq.* (“FLSA” or “Act”). ECF No. 1. All Defendants were
2 properly served, initially appeared through counsel, and filed an Answer to the
3 Complaint. ECF No. 10.

5 Plaintiff filed a motion for summary judgment, which this Court granted on
6 July 28, 2011. ECF Nos. 63 and 79. The factual findings and conclusions of law
7 supporting the decision to grant summary judgment are set forth in the Court’s
8 order and will not be repeated here. In the order granting summary judgment, the
9 Court found that each named Defendant is an employer within the meaning of the
10 FLSA and therefore each is jointly and severally liable for violations of that Act.
11

13 *See Baystate Alternative Staffing, Inc. v. Herman*, 163 F.3d 668 (1st Cir. 1998); *see*
14 *also Chao v. A-One Medical Services, Inc.*, 346 F.3d 908 (9th Cir. 2003)
15 (recognizing joint and several liability under the FLSA among joint employers).

17 The Court further found that Defendants violated the Act and that, as a result of
18 those violations, Defendants owe back minimum and overtime wages to their
19 employees as set out in the attached Exhibit A, and that it is appropriate to issue
20 permanent injunctions against future violations of the Act.
21

23 It is, therefore, **ORDERED, ADJUDGED AND DECREED:**
24

25 1) That Defendants, their officers, agents, servants, employees, and those
26 persons in active concert or participation with them, be and hereby are permanently
27

1 enjoined and restrained from violating the provisions of §§ 15(a)(2) and 15(a)(5) of
2 the Fair Labor Standards Act in the following manners:
3

4 a) **Defendants shall not**, contrary to § 6 of the Act, employ any employees
5 engaged in commerce, or in the production of goods for commerce, or in an
6 enterprise engaged in commerce or in the production of goods for
7 commerce, at an hourly rate less than the federal minimum wage;
8

9 b) **Defendants shall not**, contrary to § 7 of the Act, employ any employees
10 engaged in commerce, or in the production of goods for commerce, or in an
11 enterprise engaged in commerce or in the production of goods for
12 commerce, for a workweek longer than forty (40) hours unless the employee
13 receives compensation for his/her employment in excess of forty (40) hours
14 at a rate not less than one and one-half times the regular rate at which he/she
15 is employed;
16

17 c) **Defendants shall not**, contrary to § 11 of the Act, fail to make, keep and
18 preserve records of the wages, hours and other conditions and practices of
19 employment maintained by them, as prescribed by the regulations duly
20 promulgated under said § 11(c) at 29 C.F.R. Part 516.
21

22 2) **IT IS FURTHER ORDERED** that the Plaintiff recover from
23 Defendants the sum of **\$265,483.96** in gross overtime back wages for its
24

1 employees as listed and allocated in the attached Exhibit A and an equal amount in
2 liquidated damages. Payment shall be by certified check made payable to the U.S.
3 Department of Labor. Defendants will be responsible for computing and paying all
4 relevant employer payroll taxes, including any applicable federal, state or local
5 taxes. Payment shall be by certified check in the net amount and shall be
6 accompanied by a list of the employees for whom the check represents back wage
7 payment, their Social Security Numbers, if known, and the employer legal
8 deductions made from the gross amounts due, if applicable. The check shall be
9 delivered to:

10
11
12
13
14 **U.S. Department of Labor**
15 **Wage Hour Division**
16 **1111 Third Avenue, Suite 755**
17 **Seattle, WA 98101-3212**

18 The check shall reference the case name *Secretary v. Wok King, et al* and the
19 case number CV-09-5066-RMP. Plaintiff shall distribute the monies paid by
20 Defendants under this Judgment to the employees identified in Exhibit A, or their
21 estates if that is necessary. Any money not so paid within three years because of
22 inability to locate said employees or because of their refusal to accept said
23 proceeds shall be deposited forthwith with the Treasury of the United States
24 pursuant to 28 U. S.C. 2041.

3) **IT IS FURTHER ORDERED** that the rights of any of the Defendants' employees or ex-employees not specifically mentioned in Exhibit A to this Judgment, to back wages under the Act, are neither affected nor extinguished by this Judgment.

4) IT IS FURTHER ORDERED that each party shall bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

The District Court Executive is hereby directed to enter this Judgment and Permanent Injunction, provide copies to counsel and Defendants, and close the file in this matter.

DATED this 30th day of August, 2011.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
Chief United States District Court Judge